

§ 9.1, Nt.

EDITORIAL NOTE: At 65 FR 76745, Dec. 7, 2000, the table in § 9.1 was amended but amendments could not be incorporated because of inaccurate amendatory instructions. At 71 FR 767, Jan. 5, 2006, the table was amended under the heading “National Primary Drinking Water Regulations Implementation” by removing the entry for § 142.15(c); however, the amendment could not be incorporated because that entry does not exist.

EFFECTIVE DATE NOTES: 1. At 72 FR 24503, May 2, 2007, § 9.1, the table was amended by revising the entries under the heading, “State and Local Assistance”, and removing the entries for “35.6110(b)(2)” and “35.6550(a)(1)(ii)”, effective July 2, 2007. For the convenience of the user, the revised text is set forth as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB control No.
35.6055(a)(2)	2050–0179
35.6055(b)(1)	2050–0179
35.6055(b)(2)(i)–(ii)	2050–0179
35.6105(a)(2)(i)–(v), (vii)	2050–0179
35.6120	2050–0179
35.6145	2050–0179
35.6155(a), (c)	2050–0179

40 CFR citation	OMB control No.
Part 372, subpart A	2070–0093, 2070–0143, 2025–0007
372.22	2070–0093, 2070–0143, 2025–0007
372.25	2070–0093, 2025–0007
372.27	2070–0143
372.30	2070–0093, 2070–0143, 2025–0007
372.38	2070–0093, 2070–0143, 2025–0007
Part 372, subpart C	2070–0093, 2070–0143, 2025–0007
Part 372, subpart D	2070–0093, 2070–0143, 2025–0007
372.85	2070–0093, 2025–0007
372.95	2070–0143

PART 10—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Subpart A—General

Sec.

10.1 Scope of regulations.

40 CFR Ch. I (7–1–07 Edition)

40 CFR citation	OMB control No.
35.6230(a), (c)	2050–0179
35.6300(a)(3)	2050–0179
35.6315(c)	2050–0179
35.6320	2050–0179
35.6340(a)	2050–0179
35.6350	2050–0179
35.6500	2050–0179
35.6550(b)(1)(iii)	2050–0179
35.6550(b)(2)(i)	2050–0179
35.6585	2050–0179
35.6595(a), (b)	2050–0179
35.6600(a)	2050–0179
35.6650	2050–0179
35.6655	2050–0179
35.6660	2050–0179
35.6665(a), (b)	2050–0179
35.6700	2050–0179
35.6705	2050–0179
35.6710	2050–0179
35.6805	2050–0179
35.6815(a), (c), (d)	2050–0179

2. At 72 FR 26553, May 10, 2007, § 9.1, the table was amended by revising the entries under the heading “Toxic Chemical Release Reporting: Community Right-to-Know”, effective July 9, 2007. For the convenience of the user, the revised text is set forth as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB control No.
Part 372, subpart A	2070–0093, 2070–0143, 2025–0007
372.22	2070–0093, 2070–0143, 2025–0007
372.25	2070–0093, 2025–0007
372.27	2070–0143
372.30	2070–0093, 2070–0143, 2025–0007
372.38	2070–0093, 2070–0143, 2025–0007
Part 372, subpart C	2070–0093, 2070–0143, 2025–0007
Part 372, subpart D	2070–0093, 2070–0143, 2025–0007
372.85	2070–0093, 2025–0007
372.95	2070–0143

Subpart B—Procedures

- 10.2 Administrative claim; when presented; place of filing.
- 10.3 Administrative claims; who may file.
- 10.4 Evidence to be submitted.
- 10.5 Investigation, examination, and determination of claims.
- 10.6 Final denial of claim.
- 10.7 Payment of approved claim.
- 10.8 Release.
- 10.9 Penalties.

Environmental Protection Agency

§ 10.3

10.10 Limitation on Environmental Protection Agency's authority.

10.11 Relationship to other agency regulations.

AUTHORITY: Sec. 1, 80 Stat. 306; 28 U.S.C. 2672; 28 CFR part 14.

SOURCE: 38 FR 16868, June 27, 1973, unless otherwise noted.

Subpart A—General

§ 10.1 Scope of regulations.

The regulations in this part apply only to claims asserted under the Federal Tort Claims Act, as amended, 28 U.S.C. 2671-2680, for money damages against the United States because of damage to or loss of property or personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Environmental Protection Agency (EPA) while acting within the scope of his/her employment.

[51 FR 25832, July 16, 1986]

Subpart B—Procedures

§ 10.2 Administrative claim; when presented; place of filing.

(a) For purpose of the regulations in this part, a claim shall be deemed to have been presented when the Environmental Protection Agency receives, at a place designated in paragraph (c) of this section, an executed Standard Form 95 or other written notification of an incident accompanied by a claim for money damages in a sum certain for damage to or loss of property, for personal injury, or for death, alleged to have occurred by reason of the incident. A claim which should have been presented to EPA, but which was mistakenly addressed to or filed with another Federal agency, shall be deemed to be presented to EPA as of the date that the claim is received by EPA. A claim mistakenly addressed to or filed with EPA shall forthwith be transferred to the appropriate Federal agency, if ascertainable, or returned to the claimant.

(b) A claim presented in compliance with paragraph (a) of this section may be amended by the claimant at any time prior to final action by the Administrator, or his designee, or prior to

the exercise of the claimant's option to bring suit under 28 U.S.C. 2675(a). Amendments shall be submitted in writing and signed by the claimant or his duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, EPA shall have 6 months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of an amendment.

(c) Forms may be obtained and claims may be filed with the EPA office having jurisdiction over the employee involved in the accident or incident, or with the EPA Claims Officer, Office of General Counsel (2311), 1200 Pennsylvania Ave., NW., Washington, DC 20460.

[38 FR 16868, June 27, 1973, as amended at 51 FR 25832, July 16, 1986]

§ 10.3 Administrative claims; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject of the claim, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative,